IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.5455 OF 2005

Bhagwandas Tulsidas Vakani & Anr. .. Petitioners

Vs

Dinesh Govindji Joshi & Anr. .. Respondents

Ms S.Nileshwar i/b M/s Khandeparkar & Associates for the petitioners

Mr M.K.Jain, for the respodnents.

CORAM : D.B.BHOSALE,J.

DATE : 03.10.2005.

PC:

1. Heard the learned counsel for the petitioners.

2. By this petition, the petitioners have challenged the following order recorded in the Roznama dated 24.6.2005. The order reads thus:

> "As the Court is busy in overnight part-heard matter, 1st July, 2005. Contempt N.M. to be heard @ the suit. Adjd.to 29th July,2005 for F/I

and hearing."

3. Mr. Jain, learned counsel for the respondents, submits that this order is not passed at his instance and he has no objection if the contempt notice of motion is heard expeditiously. He also prayed for expediting the suit. Considering the nature of the order impugned in the writ petition, I am satisfied that the following order will meet the ends of justice.

(a) The impugned order is set aside. The trial Court shall hear and decide Contempt Notice of Motion No.5092 of 2003 on merits in accordance with law as expeditiously as possible and preferably within a period of 12 weeks from today.

(b) Hearing of the suit is expedited.

(c) The writ petition is, accordingly, disposed of.

(D.B.BHOSALE, J.)